

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

EARL RAY MILLS

PLAINTIFF

v.

No. 06-2011

CRAWFORD COUNTY, ARKANSAS;  
SHERIFF MIKE ALLEN; MARCH  
McCUNE, Prosecuting Attorney;  
TERRY REA, Jail Administrator;  
JAIL NURSE; BILL GRIGGS, Public  
Defender; ARKANSAS STATE POLICE;  
and JOHN & JANE DOES

DEFENDANTS

**O R D E R**

Now on this 27th day of February 2006, there comes on for consideration the report and recommendation issued by the Honorable Beverly Stites Jones, United States Magistrate Judge for the Western District of Arkansas (Doc. 6). No objections have been filed.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Plaintiff's motion to amend his complaint to dismiss the Arkansas State Police is GRANTED and all claims against Separate Defendants Marc McCune and Bill Griggs are DISMISSED as these individuals are immune from suit. See 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) (IFP action, or any portion thereof, may be dismissed on such grounds at any time). Further, Plaintiff's false arrest and false imprisonment claims are dismissed as they are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). See 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) (IFP action, or any portion thereof, may be

dismissed because it fails to state a claim or states a claim that is not presently cognizable).

However, under a separate order, the court will direct service on the remaining defendants, Sheriff Mike Allen, Jail Administrator Terry Rea, and the Jail Nurse.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge